

The existing rules in Texas Administrative Code (TAC) Title 25, Chapter 411, Subchapter A, relating to Joint Committee on Access and Forensic Services, are being repealed entirely. New rules relating to the Joint Committee on Access and Forensic Services are being proposed in 26 TAC Chapter 1, Subchapter A.

TITLE 26 HEALTH AND HUMAN SERVICES  
PART 1 HEALTH AND HUMAN SERVICES COMMISSION  
<Begin Insertion>CHAPTER 1 STATE MENTAL HEALTH AUTHORITY  
RESPONSIBILITIES  
SUBCHAPTER A JOINT COMMITTEE ON ACCESS AND FORENSIC SERVICES

§1.1. Definitions.

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise.

(1) Executive Commissioner--The Texas Health and Human Services Commission Executive Commissioner, or his or her designee.

(2) Forensic patient--The term has the meaning described in Texas Health and Safety Code, Chapter 532.

(3) Forensic services--A competency examination, competency restoration service, or mental health service provided to a current or former forensic patient in the community or at a department facility.

(4) HHSC--The Texas Health and Human Services Commission, or its designee.

(5) JCAFS--The Joint Committee on Access and Forensic Services.

§1.3. Joint Committee on Access and Forensic Services.

(a) This section is authorized by:

(1) Texas Health and Safety Code, §533.051(c), which defines membership requirements and prescribes the duties of the JCAFS; and

(2) Texas Health and Safety Code, §533.0515, which authorizes the Executive Commissioner to adopt rules as necessary to implement its provisions.

(b) Texas Government Code, Chapter 2110, and Texas Government Code, Chapter 551, apply to the JCAFS.

(c) The purpose of the JCAFS is to make:

(1) recommendations and monitor implementation of updates to a bed day allocation methodology;

(2) recommendations and monitor implementation of a utilization review protocol for state funded beds in hospitals and other inpatient mental health facilities; and

(3) recommendations to improve access to mental health services for both civil and forensic patients throughout the full continuum of care from institution to community-based settings.

(d) The JCAFS considers and makes recommendations to the Executive Commissioner consistent with the committee's purpose as stated in subsection (c) of this section.

(e) The JCAFS submits:

(1) a written report to the Executive Commissioner, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Senate Finance Committee, the House Appropriations Committee and the standing committees of the legislature having jurisdiction over mental health and human services by December 1 of each even-numbered year, in accordance with Texas Health and Safety Code, §533.0515(e); and

(2) a proposal for an updated bed day allocation methodology and bed day utilization review protocol to the Executive Commissioner no later than December 1 of each even-numbered year, in accordance with Texas Health and Safety Code, §533.015.

(f) The JCAFS will not be abolished as long as the Texas Health and Safety Code, §§533.051 and 533.0515 remain in effect because it is established by statute.

(g) The JCAFS is composed of 17 members nominated by the designating organization and appointed by the Executive Commissioner.

(1) The membership consists of:

(A) one Texas Department of Criminal Justice-designated representative;

(B) one Texas Association of Counties-designated representative;

(C) two Texas Council of Community Centers-designated representatives, including one representative of an urban local service area and one representative of a rural local service area;

(D) two County Judges and Commissioners Association of Texas-designated representatives, one of which is the presiding judge of a court with jurisdiction over mental health matters;

(E) one Sheriffs' Association of Texas-designated representative;

(F) two Texas Municipal League-designated representatives, one of which is a municipal law enforcement official;

\_\_\_\_\_ (G) one Texas Conference of Urban Counties-designated representative;

\_\_\_\_\_ (H) two Texas Hospital Association-designated representatives, one of which is a physician;

\_\_\_\_\_ (I) one representative designated by an organization identified by HHSC representing individuals with lived experience receiving publicly funded mental health services; and

\_\_\_\_\_ (J) four representatives designated by the HHSC Behavioral Health Advisory Committee (BHAC), or its successor:

\_\_\_\_\_ (i) including the chair of the advisory committee;

\_\_\_\_\_ (ii) one representative of the advisory committee's members who is a consumer of or advocate for mental health services;

\_\_\_\_\_ (iii) one representative of the advisory committee's members who is a consumer of or advocate for substance abuse treatment; and

\_\_\_\_\_ (iv) one representative of the advisory committee's members who is a family member of or advocate for persons with mental health and substance abuse disorders.

\_\_\_\_ (2) The HHSC Forensic Director serves as a non-voting ex-officio member of the JCAFS.

\_\_\_\_ (3) The State Hospital Chief of Forensic Medicine serves as a non-voting ex-officio member of the JCAFS.

\_\_\_\_ (4) Each member serves until a replacement is nominated by the designating organization and appointed by the Executive Commissioner.

(h) A majority of the voting members of the JCAFS constitutes a quorum.

(i) The JCAFS selects from among its members a presiding officer. Unless re-elected, the term of the presiding officer is one year. A member serves no more than two consecutive terms as presiding officer.<End Insertion>